

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

3:16-cr-00051-BR

Plaintiff,

ORDER REGARDING ROUND
ONE MOTIONS

v.

AMMON BUNDY, JON RITZHEIMER,
JOSEPH O' SHAUGHNESSY, RYAN
PAYNE, RYAN BUNDY, BRIAN
CAVALIER, SHAWNA COX, PETER
SANTILLI, JASON PATRICK,
DUANE LEO EHMER, DYLAN
ANDERSON, SEAN ANDERSON,
DAVID LEE FRY, JEFF WAYNE
BANTA, SANDRA LYNN ANDERSON,
KENNETH MEDENBACH, BLAINE
COOPER, WESLEY KJAR, COREY
LEQUIEU, NEIL WAMPLER, JASON
CHARLES BLOMGREN, DARRYL
WILLIAM THORN, GEOFFREY
STANEK, TRAVIS COX, ERIC LEE
FLORES, and JAKE RYAN,

Defendants.

BROWN, Judge.

On May 23, 2016, the Court conducted oral argument on the following Motions:

1. Defendants' Motion (#465) to Dismiss Count 3 of
1 - ORDER REGARDING ROUND ONE MOTIONS

Superseding Indictment filed by Defendants Ammon Bundy, Jon Ritzheimer, Ryan Payne, Ryan Bundy, Brian Cavalier, Jason Patrick, Sean Anderson, and David Lee Fry;

2. All Defendants' Motion (#469) for Bill of Particulars;
3. All Defendants' Motion (#471) to Dismiss Count 1 for Vagueness;
4. Defendant Peter Santilli's Motion (#477) to Dismiss Count 1 for Vagueness; and
5. All Defendants' Motion (#474) to Dismiss Count 1 as Overbroad.

The Court granted Defendants' request to file supplemental memoranda on the Motion (#465) to Dismiss Count 3 regarding whether conspiracy crimes can be crimes of violence under 18 U.S.C. § 924(c)(3)(A). Defendants' supplemental memorandum is due no later than May 26, 2016. The government's supplemental memorandum is due no later than June 1, 2016. The parties' respective supplemental memoranda may not exceed 8 pages in length. The Court will take this Motion under advisement on June 1, 2016.

At the conclusion of oral argument, the Court took under advisement All Defendants' Motion (#469) for Bill of Particulars, All Defendants' Motion (#471) to Dismiss Count 1 for Vagueness, Defendant Peter Santilli's Motion (#477) to Dismiss Count 1 for Vagueness, and All Defendants' Motion (#474) to Dismiss Count 1

as Overbroad.

In addition, at oral argument on May 23, 2016, the parties advised the Court that the Court should not hear oral argument or decide the Motion (#480) to Dismiss filed by Defendants Ammon Bundy, Joseph O'Shaughnessy, Ryan Bundy, Brian Cavalier, Peter Santilli, and Blaine Cooper until after the parties appear for oral argument on June 16, 2016, in Ninth Circuit Case No. 16-30080. The Court, therefore, defers consideration of Defendants' Motion (#480) to Dismiss until a future date and directs the parties to this Motion to file a single, joint status report no later than June 20, 2016, updating this Court as to the parties' recommendations for oral argument on this Motion.

As noted in the Court's Order (#577) Setting Oral Argument Schedule, the Court concluded oral argument was not necessary to resolve the following Motions and instead permitted the relevant parties to file optional reply memoranda in lieu of oral argument no later than May 27, 2016:

1. Defendant Peter Santilli's Motion (#479) to Dismiss Count 1 as Constitutionally Protected Conduct.
2. Defendants' Motion (#482) to Dismiss Count 2 for Vagueness and Overbreadth.
3. Defendant Kenneth Medenbach's Motion (#505) to Dismiss.
4. Defendants' Motion (#527) to Dismiss for Lack of Subject Matter Jurisdiction.

Accordingly, the Court will take those Motions under advisement on May 27, 2016.

IT IS SO ORDERED.

DATED this 23rd day of May, 2016.



ANNA J. BROWN
United States District Judge